EXHIBIT A

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHASOM BROWN, MARIA NGUYEN, WILLIAM BYATT, JEREMY DAVIS, and CHRISTOPHER CASTILLO, individually and on behalf of all other similarly situated, Plaintiffs, v. GOOGLE LLC, Defendant.	Case No. 5:20-cv-03664-LHK **PLAINTIFFS' NOTICE OF DEPOSITION PURSUANT TO RULE 30(B)(6)**

1   PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil

2   Procedure, on a date to be agreed upon by the Parties, counsel for Plaintiffs will take the videotaped

3   deposition(s) of the designated representative(s) of Google LLC ("Google") best able to testify as

4   to the Topics set forth in Appendix A. Google has a duty to designate one or more officers,

5   directors, managing agents, or other persons with sufficient knowledge to testify fully regarding the

6   Topics listed in Appendix A. No later than ten business days prior to the deposition, Google shall

7   identify the person(s) who will testify on its behalf pursuant to this notice and the matter(s) about

8   which each person will testify. Google shall also produce to Plaintiffs any documents that Google

9   used or plans to use to prepare the person(s) testifying.

10   The deposition(s) shall be taken through a mutually agreed upon videoconference program

11   (e.g., Zoom), and before a Notary Public or some other officer authorized by law to administer

12   oaths for use at trial. The deposition(s) will be videotaped and will continue from day to day until

13   completed.

14

15   Dated: March 5, 2021   **SUSMAN GODFREY LLP**

16

17   By: */s/ Amanda Bonn*
                                                        Amanda Bonn

18
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PLAINTIFFS' 30(B)(6) DEPOSITION NOTICE   CASE NO.: 5:20-CV-03664-LHK

APPENDIX A

DEFINITIONS

1. The term "ALL" includes the word "ANY," and vice versa.

2. The terms "CONCERNING" or "RELATING TO" include addressing, analyzing, concerning, constituting, containing, commenting on, discussing, describing, identifying, in connection with, referring to, reflecting, relating, relating to, reporting on, stating, or dealing with, in whole or in part, in addition to their customary and usual meanings, and shall be construed in the broadest sense possible.

3. The term "COURT'S WEBSITE" refers to the website for the United States District Court for the Northern District of California (https://cand.uscourts.gov/).

4. The term "DOCUMENT" and "DOCUMENTS" shall be synonymous in meaning and equal to the broadest meaning provided by Rule 34 of the Federal Rules of Civil Procedure INCLUDING, without limitation, original and any non-identical copy of every kind of written, printed, typed, recorded, or graphic matter, however produced or reproduced, including all correspondence, letters, telegrams, telexes, messages, memoranda, instructions, emails, handwritten or recorded notes, and all records, schedules, reports, surveys, calculations, transcripts, notes, time cards, personal expense reports, appointment books, calendars, plans, purchase orders, contracts, subcontracts, charts, communications, database, data compilation, diary, draft drawing, electronically stored information, emails, fax, floppy disk, graph, hard drive, image, index, instant message, letter, log, magnetic tape, memorandum, note, optical disk, photograph, report, sound recording, spreadsheet, storage device, text message, version, voicemail or writing. This term shall apply to any DOCUMENT, whether in hard copy or electronic form, on any computers or other system.

5. The term "EMBEDDED TECHNOLOGIES AND/OR CODE" includes the "code (or 'scripts') supplied by [Google]," Broome Decl. Dkt. No. 106, and "JavaScript or similar programming scripts," Adkins Decl. Dkt. No. 107, that Google embeds in the Court's website.

6. The term "GOOGLE" means GOOGLE LLC and any of its directors, officers, consultants, agents, representatives, predecessors in interest, subsidiaries, assignees, licensees,

1   employees, attorneys and any other persons acting on GOOGLE LLC'S behalf, including

2   contractors.

3   7.   The term "INCLUDE" or "INCLUDING" means "include, but not limited to" or

4   "including, but not limited to."

5   8.   The term "INFORMATION" means information concerning a user or a user's

6   device(s), including a user's browsing activity, such as GET requests (or copies thereof) sent from

7   a user's browser to a website, any referrer page or search queries, any "fingerprint" data (as

8   described in paragraphs 100-104) of the First Amended Complaint), and a user's IP address.

9   GENERAL INSTRUCTIONS

10   For purposes of reading, interpreting, or construing the scope of the DEFINITIONS,

11   GENERAL INSTRUCTIONS, and TOPICS, all of the terms shall be given their most expansive

12   and inclusive interpretation. This INCLUDES the following:

13   (a)   The singular form of a word shall be interpreted as plural, and vice versa.

14   (b)   "And," "or," as well as "and/or" shall be construed either disjunctively or

15   conjunctively as necessary to bring within the scope of the Topic anything

16   that might otherwise be construed to be outside the scope of the Topic.

17   (c)   "All," "each" and "any" shall be construed as "all, each, and any."

18   (d)   The use of a verb in any particular tense shall be construed as the use of the

19   verb in all other tenses as necessary to bring within the scope of the Topic

20   any document that might otherwise be construed to be outside the scope of

21   the Topic.

22   TOPICS

23   1.   Google's use of embedded technologies and/or code to collect information from

24   users who visit the Court's Website, including while in a private browsing mode, for time periods

25   both before and after this litigation was filed.

26   2.   The information that Google collects from users who visit the Court's website

27   through the embedded technologies and/or code described in Topic 1.

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3.   Google's storage of the information referred to in Topic 2. This topic includes the mechanisms of storage, the names of those mechanisms, and the Google employees with the most knowledge about those mechanisms.

4.   Google's preservation of the information referred to in Topic 2 for purposes of this litigation.

5.   Google's use of the information referred to in Topic 2 "to serve relevant advertising" to users in any browsing mode, including a private browsing mode. Adkins Decl. Dkt. No. 107. This Topic includes efforts to retarget a user (and/or the user's devices) on a different website at any point after the user visits the Court's website, including while in a private browsing mode, for time periods both before and after this litigation was filed.

6.   Google's use of the information referred to in Topic 2 "to return relevant search results to the Court's website." Adkins Decl. Dkt. No. 107.

7.   Google's use of the information referred to in Topic 2 "to maintain and improve Google services," both on and off of the Court's website. Adkins Decl. Dkt. No. 107.

8.   Google's use of the information referred to in Topic 2 for any purposes other than those described in Topics 5, 6, and 7. *See* Dkt. No. 107 at 3 ("***For example***, Google uses the information to return relevant search results to the Court's website, to serve relevant advertising, and maintain and improve Google services." (emphasis added)).

9.   Google's assertion in the Adkins Declaration (Dkt. No. 107) that "[t]he exact categories of information Google receives depend on the user's browser, mode, and settings."

10.   The "information" "Google receives" "when a user runs a search query" on the Court's website, including how that information is "similar to [and different from] that which [Google] would receive if the search were run on Google.com." Adkins Decl., Dkt. No. 107.

11.   The factual basis for the assertions contained in the declarations submitted by Google on February 26 and March 1, 2021. Dkt. Nos. 106-07.

12.   The topics contained in the email sent by Mark Mao on February 27, 2021, attached hereto as Appendix B.

PLAINTIFFS' 30(B)(6) DEPOSITION NOTICE CASE NO.: 5:20-CV-03664-LHK

Appendix B

From:	Stephen Broome
To:	Mark C. Mao
Subject:	RE: Brown v. Google - re Broome Decl.
Date:	Sunday, February 28, 2021 11:55:23 AM

Mark:

It was good to finally meet you by zoom as well. Thanks for your email and suggestions. Enjoy the rest of your weekend.

Best,
Steve

From: Mark C. Mao [mailto:mmao@BSFLLP.com]
Sent: Saturday, February 27, 2021 2:01 AM
To: Stephen Broome <stephenbroome@quinnemanuel.com>
Subject: Brown v. Google - re Broome Decl.

<div align="center">

[EXTERNAL EMAIL]

</div>

Dear Mr. Broome:

Thank you for filing the declaration a few hours ago. I took a look at what you described therein, and thought that it might be helpful for the Court to have a number of technical questions answered in whatever you have forthcoming:

1. Identify and describe each Google technology, code, and/or script on the Court's website (the "Google Technology"), and how they each work.

2. For each Google Technology, describe what data Google receives, on behalf of itself or a Google commercial customer, when someone visits the Court's website not in private browsing mode.

3. For each Google Technology, describe what data Google receives, on behalf of itself or a Google commercial customer, when someone visits the Court's website in private browsing mode.

4. Describe where any data referred to in Topic 3 is stored by Google, on behalf of itself or a Google commercial customer, and for how long Google stores such data, specifying any Google preservation of that data for purposes of this litigation.

5. Describe any and all use by Google of any data described in Topic 3, including for example for any Google services (such as targeted advertising), changes/improvements to Google algorithms, or enrichment of any profiles on website visitors.

6.   Describe any Google collection and use of the X-Client-Data Header when people visit the Court's website, including any difference in terms of when people visit the Court's website in Incognito mode.

7.   Describe each and every data measurement and way that Google uses the X-Client-Data Header to assess its products and services (whether for Google or for Google customers such as websites), such as the Court's website.

8.   Describe any Google collection and use of data using Google's GStatic technology when people visit the Court's website, including when someone visits the Court's website in private browsing mode.

9.   Describe any Google collection and use of geolocation data when people visit the Court's website, including when someone visits the Court's website in private browsing mode.

10. Describe the extent to which any Google Technology causes browsers to send duplicate GET requests to Google when people visit the Court's website, including when someone visits the Court's website in private browsing mode.

11. Describe how Google targets or retargets visitors of the Court's website, based on the data Google or any Google commercial customer has on the visitor.

12. Describe how Google targets or retargets visitors of the Court's website, both on the website and once off of the website, based on the data it collected during or after the browser session that included the visit.

I suggest answering these questions because I do not see from the Court website setup how any targeted or retargeting advertisement would have been intended. The questions would definitely help explain what is happening, and why such is happening.

It was good to finally meet you, even if it was by Zoom only. Please have a good weekend.

Sincerely Yours,

Mark C. Mao
Partner

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